

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

826Q0558

HOUSE BILL NO. 1146

Introduced by: Representatives Cutler, Krebs, Novstrup (David), Rausch, and Schrempp and
Senators Abdallah, Dempster, Gillespie, and Gray

1 FOR AN ACT ENTITLED, An Act to prohibit the torture of animals and to provide certain
2 penalties therefor.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The torture of an animal is any intentional, malicious act or omission, including mutilation,
7 whereby unnecessary, unjustifiable, or unreasonable serious bodily injury or death is caused,
8 permitted, or allowed to continue.

9 Section 2. That chapter 40-1 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No person may intentionally torture any animal. A violation of this section is a Class 6
12 felony.

13 Section 3. That § 40-1-2.2 be amended to read as follows:

14 40-1-2.2. For the purposes of this chapter and chapter 40-2, the mistreatment, ~~torture~~, or
15 cruelty of an animal is any act or omission whereby unnecessary, unjustifiable, or unreasonable



1 physical pain or suffering is caused, permitted, or allowed to continue ~~including acts of~~
2 ~~mutilation~~.

3 Section 4. That § 40-1-2.4 be amended to read as follows:

4 40-1-2.4. For the purposes of this chapter and chapter 40-2, the inhumane treatment of an
5 animal is any act of mistreatment, ~~torture~~, cruelty, neglect, abandonment, ~~mutilation~~, or
6 inhumane slaughter of an animal that is not consistent with generally accepted training, use and
7 husbandry procedures for the species, breed, physical condition, and type of animal.